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EXAMINER
WRIGHT, BRYAN F

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2431	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.</td><td>Applicant(s)</td><td></td></tr>
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	Application No.	**Applicant(s)**	
Office Action Summary	10/533,859	KAGIWADA, YOSHIMITSU	
	Examiner	**Art Unit**	
	BRYAN WRIGHT	2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10 August 2009_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _2, 7 and 11-18_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _2,7 and 11-18_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

FINAL ACTION

1.   This action is in response to amendment filed on 8/10/2009. Claim 2 is amended.

Claims 2, 7 and 11-18 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 2, 7, and 11-18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Matsui et al. (US Patent Publication No. 2002/0019817 and Matsui

hereinafter (cited from IDS)) in view of Freishtat et al. (US Patent Publication No.

2001/0037294 and Freishtat hereinafter).

3.   1. (cancelled).

4.   As to claim 2 and 7, Matsui teaches a personal information utilization system

comprising: a personal information storage means, a communication means to an

external device, and an information processing means for controlling operation of each

means thereof (i.e., ... teaches database storage, internet communication and computer

system for processing [fig. 1]);

        said personal information storage means not only storing personal information on

an information disclosing person but also storing commodity provision information, etc.

on first commodity service which is provided for said information disclosing person for

each information disclosing person of said personal information (i.e., ... teaches a

database storage storing personal information and service related information [6, fig.

2]);

        and said processing means being constituted by the following steps: a) receiving

second commodity provision information (i.e., teaches information entered via web

browser [fig. 4; fig. 5]), from an information search side terminal via said communication

means (i.e., ... teach a search configuration for searching [fig.6]),

b) checking said received second commodity information with the first commodity

provision information (i.e., ... teaches performing a search based information receive

with stored information [fig. 6]),

c) identifying, as a result of said checking an information disclosing person

associated with said first commodity provision information (i.e., ... teaches identifying a

person matching said information [par. 55]),

received second commodity provision information partially or completely

coincides with the first commodity provision information (i.e., ... teaches performing a

search relative to designated service information received [0056]), d) reading out one or

more personal information on said identified information disclosing person or persons

from said personal information storage means (i.e., ... teaches displaying said result of

search [fig. 6],

e) transmitting said read out personal information on the information disclosing

person or persons to said information search side terminal (i.e., ... teaches a sending a

report base query information provided [par. 56]).

Matsu does not expressly teach: said identifying by using the second commodity

provision information on a specific commodity as a key such that the received

commodity provision information partially or completely coincides with the first

commodity provision information,

However, these features are well known in the art and would have been an obvious

modification of the system disclosed by Matsu as introduced by Freishtat. Freishtat

discloses: said identifying by using the second commodity provision information (e.g.,

collected information identified for individuals) on a specific commodity (e.g., list of

transaction [par. 63]) as a key (e.g., transaction type) such that the received second

commodity provision information (e.g., collected information identified for individuals)

partially or completely coincides with the first commodity provision information (e.g.,

originating personal information [fig. 5]) (to provide means to share and utilize personal

information on a user (e.g., customers) [abstract lines 1-7]).

Therefore, given the teachings of Freishtat, a person having ordinary skill in the art at

the time of the invention would have recognized the desirability and advantage of

modifying Matsu by employing the well known feature of sharing personal information

disclosed above by Freishtat, for which personal information will be enhanced (abstract

lines 1-7).

5.   3.-6.(Canceled)

6.   8-10. (Canceled).

7.   As to claim 11, Matsui teaches a personal information utilization system where

the first commodity provision information, registered in said personal information

storage means is such information that said processing means associates personal

information of said information disclosing person and first commodity provision

information, etc, (i.e., ... teaches a storage (i.e., database) contain personal information

and associated service information [6, fig. 2]), and receives said associated information

from an information register side terminal via said communication means (i.e., ...

teaches a web browser [fig. 4] Further teaches registration user screen [15, fig. 3]);

checks said received personal information with personal information stored in said

personal information storage means (i.e., ... teaches the use of a password and user id

assigned for identification [0049 - 0051]);

identifies the information disclosing person of said received personal information,

as a result of said checking, if said received personal information coincides with the

personal information stored in said personal information storage means (i.e., ... teaches

upon matching criteria [par. 55]);

and registers said commodity purchasing information, etc. received for each

identified information disclosing person in said personal information storage means [18,

fig.3].

8.   As to claim 12, Matsui teaches a personal information utilization system where

said information searching person includes at least a manufacture, a sales vendor, a

service trader, a self-governing body or an education foundation [a, b, fig. 5].

9.   As to claim 13, Matsui teaches a personal information utilization system where

the personal information on the information disclosing person registered in said

personal information storage means is such information that the processing means is

allowed to receive information on disclosure limits representing disclosure limits for the

personal information on the information disclosing person, from the information

disclosure side terminal via the communication means and that the personal information

storage means is allowed to manage in accordance with the received information on

disclosure limits (i.e., ... teaches a web browser [fig.4] Further teaches said web

browser displaying limited personal information required for search).

10.   As to claim 14, Matsu teaches a personal information utilization program where

the commodity provision information, registered in said personal information storage

means is such information that said processing means is allowed to associate personal

information of said information disclosing person and first commodity provision

information (i.e., ... teaches a storage (i.e., database) contain personal information and

associated service information [6, fig. 2]);

        and to receive said associated information from the information register side

terminal via said communication means (i.e., ... teaches a Web browser configuration

for receiving personal information [fig. 4; fig. 7]);

        to check said received personal information with personal information stored in

said personal information storage means (i.e., ... teaches the use of a password and

user id assigned for identification [0049 - 0051]);

to identify an information disclosing person of said received personal information as a result of said checking, if said received personal information coincides with the personal information stored in said personal information storage means (i.e., ... teaches upon matching criteria [par. 55]);

and to register said commodity purchasing information, etc. received for each identified information disclosing person in said personal information storage means [18, fig.3].

11.   As to claim 15, Matsui teaches a personal information utilization program where said information searching person includes at least a manufacturer, a sales vendor, a service trader, a self-governing body or an education foundation [a, b, fig. 5].

12.   As to claim 16, Matsui teaches a personal information utilization program where the personal information on the information disclosing person registered in said personal information storage means is such information that the processing means is allowed to receive information on disclosure limits representing disclosure limits for the personal information on the information disclosing person, from the information disclosure side terminal via the communication means and that the personal information storage means is allowed to manage in accordance with the received information on disclosure limits (i.e., ... teaches a web browser [fig.4] Further teaches said web browser displaying limited personal information required for search).

13.   As to claim 17, the system of Matsui teaches substantial features of the claimed

invention, however does not disclose

A personal information utilization system where the first commodity provision

information is automatically registered via an information register side terminal.

However, these features are well known in the art and would have been an obvious

modification of the system disclosed by Matsu as introduced by Freishtat. Freishtat

discloses:

A personal information utilization system where the first commodity provision

information is automatically registered via an information register side terminal (to

provide registration means used within a personal information utilization information.

Registration providing registration of particular PI provider (e.g., first commodity

provision information) [par. 65]).

Therefore, given the teachings of Freishtat, a person having ordinary skill in the art at

the time of the invention would have recognized the desirability and advantage of

modifying Matsu by employing the well known feature of registration within a personal

information sharing system disclosed above by Freishtat, for which personal information

will be enhanced (par. 65).

14.   As to claim 18, Matsui teaches personal information utilization system where the

first commodity provision information comprises a name of an item, a name of a vendor,

and a date when the vendor provided the item [a, b, fig. 5].

Response to Arguments

Remarks – 35 USC 112, 1st Paragraph, Rejection

The Examiner finds applicant's arguments to be persuasive and therefore

withdraws the rejection made under 35 USC 112, 1st paragraph, for claims 2, 7, 11, and

14.

Remarks – 35 USC 112, 2nd Paragraph Rejection

The Examiner withdraws the rejection made under 35 USC 112, 2nd Paragraph,

for claim 2 in view of applicant's amendment.

Remarks – 35 USC 103 Rejection

With regards to applicant's remarks of "respectfully submits that the claims

patentably define over the cited references because the cited references do not

disclose, teach or suggest identifying an information disclosing person by using

commodity provision information on a specific commodity as a key as claimed", the

Examiner contends applicant uses commodity provision data which is data based on the

user's specific preference to identify a user. This data is collected and stored in a data

structure (e.g., database or table). The "specific commodity" claim limitation element is

how the collected user preference data (e.g., commodity provision information) is categorized or arranged in the data structure.

The "key" element of applicant's claim limitation interpreted in view of applicant's specification by the Examiner is essentially equivalent to a "key term" use to navigate through the stored collected provision information in the data structure for querying purposes. The Examiner submits that based on the "key term" a number of results will be returned when searching the stored collected provision information. From the query search results, program logic can be executed to make a reasonable deduction as to the user's identity. So essentially, applicant's claimed invention identifies the user's identity based on collected user preference data.

The Examiner respectfully submits Freishtat teaches distinguishing a user based on collected data (e.g., extracted data/user preference data) from a data store (e.g., database or table). Inherent to the data structures (e.g., data store, tables, databases) the Examiner contends, are category names (e.g., specific commodity) used to arrange the data. During a query search, the category name makes it easy to navigate through the data to find the desired results. In this instance the desired results are used to distinguish a user (i.e., identify a user).

The Examiner further contends that the extracted data is data representative of personal preference information (e.g., specific commodity) collected on the user. Like the applicant, Freishtat uses this extracted data as means to distinguish (e.g., identify) a user (e.g., information disclosing person). Refer to figure 15 and paragraphs 139-142.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to BRYAN WRIGHT whose telephone number is (571)270-

3826. The examiner can normally be reached on 8:30 am - 5:30 pm Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRYAN WRIGHT/
Examiner, Art Unit 2431

/William R. Korzuch/
Supervisory Patent Examiner, Art Unit 2431